

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

In re application of:

TSCHOPE, et al.

Serial Number: 09/508,510

Filed: May 26, 2000

For: LIQUID INTERFERON-BETA FORMULATION



Attny. Dck. No. 100564-10002

Examiner: S. Prasad

Group Art Unit: 1646

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**Response to Restriction Requirement**

Assistant Commissioner of Patents  
Washington, D.C. 20231

November 2, 2001

Sir:

This Response is being filed in response to the Restriction Requirement of October 2, 2001, making the response due on or before November 2, 2001.

In the communication, the Examiner alleges that claims of Group I (Claims 1-15 and 18-26) only relate to such formulations containing no methionine (or other amino acids) whereas the claims of Group II (Claims 16 and 17) contain a methionine.

Applicants respectfully submit that the Examiner's understanding of the pending claims is incorrect. According to independent claim 3 of the Article 19 amended claims (Claims 1-3, 23, 25 and 26 were amended during the international proceeding and in response to the International Preliminary Examination Report), and which Applicants have filed for prosecution with this application, the presence of one or several amino acids (exclusive of acidic amino acids, arginine or glycine) is an essential feature of the invention.

Applicants elect for prosecution the claims of Group I with traverse as to the claims of Group II.

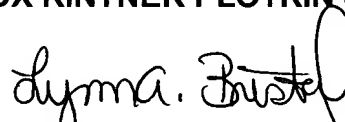
However, in the event the Examiner makes a determination to further restrict independent claim 3 and the dependent claims thereof, Applicants then wish to elect those claims and to vacate the election of claims drawn to a liquid formulations which do not contain one or more amino acids inclusive of methionine.

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In the next response, the Examiner is also requested to acknowledge entry of the Article 19 amended claims and that the entry has been made of record.

In the event that this paper is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2300, along with any other fees with respect to this paper.

Respectfully submitted,  
**ARENT FOX KINTNER PLOTKIN & KAHN, PLLC.**



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